

**Notice of Allowability**

Application No.

09/811,994

Examiner

Sargon N. Nano

Applicant(s)

OUESLATI ET AL.

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/25/06.
2. ☒ The allowed claim(s) is/are 1- 12, 23 - 29 (renumbered as 1- 19).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**ARIO ETIENNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

### **Examiners Amendment**

1. This action is responsive to the amendment filed on August 3, 2005. Claims 1 - 12 and 23 were amended. Claims 12 - 22 were canceled. Claims 24 - 29 were newly added.

2. An examiner Amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicant, an amendment may be filed as provided by 37 C.F.R 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Richard C. Irving (Registration No. 38,499) on Sep. 2, 2006.

3. Please amend the claims as follows:

**Claims 13 – 22: canceled;**

**Claim 1:** replace "utility" with --transport handler-- at line 2;  
replace "utility" with --transport handler-- at line 4;  
replace "utility" with --transport handler-- at line 8;  
replace "utility" with --transport handler-- at line 10;  
replace "utility" with --transport handler-- at line 13;  
insert after "program" -- a -- at line 13;

**Claim 4:** delete "substantially" at line 2;

**Claim 8:** delete "a" at line 1;

**Claim 10:** delete "substantially" at line 2;

**Claim 23:** replace "utility" with --transport handler-- at line 5;  
replace "utility" with --transport handler-- at line 7;  
replace "utility" with --transport handler-- at line 8;  
replace "utility" with --transport handler-- at line 16;  
replace "utility" with --transport handler-- at line 17;

**Claim 24:** replace "utility" with –transport handler - - at line 6;  
replace "utility" with –transport handler - - at line 7;  
replace "is configured to pass" with –passes - - at line 8;  
replace "utility" with –transport handler - - at line 9;  
replace "utility" with –transport handler - - at line 10;  
replace "add" with – adds - - at line 11;  
replace "utility" with –transport handler - - at line 14;  
delete "being" at line 14;  
replace "configured to send" with – sends - - at line 14;  
replace "utility" with –transport handler - - at line 20;  
replace "utility" with –transport handler - - at line 22;

**Claim 27:** delete " are configured " at line 2;  
delete " substantially" at line 3;

**Claim 28:** delete " configured to " at line 2;

**4. Claims 1 – 12, 23 – 29 are allowed.**

**5.** This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in the Amendment filed on 20 March 2006 with respect to the amended claim limitations and further amended claim limitations in the Examiner's Amendment filed on 24 May 2006 point out the reason claims are patentable over the prior art of record. Thus, the

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reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano

Sep. 27, 2006

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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